

# **GREDELL Engineering Resources, Inc.**

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**ENVIRONMENTAL ENGINEERING**

**LAND - AIR - WATER**

**Offices in Jefferson City, Kansas City and Springfield, Missouri.**

## **NEEDED REVISIONS TO POST CLOSURE RELEASE**

**MISSOURI SOLID WASTE FORUM  
February 24, 2016**

**By: THOMAS R. GREDELL, P.E  
573-659-9078 or 866-892-0727.**

# POST CLOSURE RELEASE DISCUSSION POINTS

- Current Solid Waste Management Law requires a 30-year Post-Closure (PC) care period.
- The Law allows MDNR to extend or shorten, but provides no real criteria.
- There is a need for more criteria in the Law and/or Rules to define conditions of release.

# POST CLOSURE RELEASE DISCUSSION POINTS

260.227. 1. The operator of a sanitary landfill shall be responsible for postclosure monitoring and care to ensure that the area does not present a threat to the public health or the environment. The department may require the operator of other solid waste disposal areas to be responsible for postclosure monitoring and care. **The operator shall provide proper care for the area for thirty years after closure; provided, however, that the department may shorten or extend the postclosure period. The operator must demonstrate that the site does not and in all likelihood will not present a threat to public health or the environment to reduce the postclosure period. The department may extend the postclosure period if it finds that site conditions warrant an extension unless the operator demonstrates that the area does not and in all likelihood will not present a threat to public health or the environment.**

# POST CLOSURE RELEASE DISCUSSION POINTS

- There are many cases of **'single landfill owners'** trying to do what is right.
- Working definition of **'single landfill owner'** is:
  - An 'entity' (public or private) that only operated one landfill at a time.
  - Operated a permitted landfill PRE-SUBTITLE D (1970's or 1980's).
  - Operated a permitted landfill POST-1987 (required to have an FAI).
  - Closed their last landfill in the late 1980's or 1990's.

# POST CLOSURE RELEASE DISCUSSION POINTS

- There needs to be a RELEASE and an END to PC obligations for small owner/operators who are 'single landfill owners', and:
  - **Who are not large, regional, national, multi-national companies.**
  - **Who not actively involved in the solid waste business.**
  - **Who have played by the rules.**
  - **Who have actively maintained their landfill during post-closure.**
  - **Whose landfill has good cover and no, minimal OR DECLINING leachate and/or methane.**

# POST CLOSURE RELEASE DISCUSSION POINTS

- ‘Release’ does not mean the site no longer needs PC care or monitoring.
- ‘Release’ means the owner/operator and their heirs are no longer financially responsible.
- What happens after they are released?
  - Owner COULD continue to own land.
  - Owner COULD still help manage the site,
    - But costs would be provided by a “Closed Landfill Fund”
    - The PROCESS needs to be determined.

# POST CLOSURE RELEASE DISCUSSION POINTS

- Consider the Superfund Principle of '**Cradle to Grave**'
  - The waste generator (or the 'Principally Responsible Party – **PRP**') is ultimately responsible for the proper disposal of their waste.
  - Who is the **PRP**?
  - Who originally owned the waste?

**The Public!!!**

# POST CLOSURE RELEASE DISCUSSION POINTS

- Why didn't MDNR do a better job of predicting closed landfill problems in the 1980's?
- What has changed since 1986-1988?
- The Answer –
  - **30 years of experience with closed landfills!**
  - **And a heightened environmental awareness!**



# POST CLOSURE RELEASE DISCUSSION POINTS

- **NEXT STEPS?**

- Identify the 'Single Landfill Owners' who are in this situation.
  - Public Entities (Cities and Counties);
  - Private Entities (Corporations and Individuals).
- Organize a 'Stakeholder Group'.
- Start talking to Legislators!
- Find sponsors to work the legislative process!



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## **MISSOURI NEEDS A CLOSED LANDFILL FUND**

**MISSOURI SOLID WASTE FORUM**  
**February 24, 2016**

**By: THOMAS R. GREDELL, P.E**  
**573-659-9078 or 866-892-0727.**

# PROPOSAL TO ESTABLISH A CLOSED LANDFILL FUND

**As we approach the end of the FIRST 30 years of  
Post-Closure care, there is an URGENT NEED for  
the state of Missouri to establish a  
  
Closed Landfill Fund!**

# PROPOSAL TO ESTABLISH A CLOSED LANDFILL FUND

- Cases exist across the state where a closed landfill owner/operator has:
  - **Left the state and abandoned their obligation;**
  - **Left the country and abandoned their obligation;**
  - **Filed bankruptcy (they may not have had a choice?);**
  - **Forfeited their FAI; or**
  - **Died;**

# **PROPOSAL TO ESTABLISH A CLOSED LANDFILL FUND**

- ***A ‘Closed Landfill Fund’ will provide MDNR with a tool and financial resources that can be used to manage Missouri’s closed landfills NOW and in the FUTURE.***
- ***It is presumed that this will require changing the Missouri Solid Waste Management Law (260.227 RSMo).***
- ***The solid waste management law requires that landfills be constructed, operated and maintained to ‘protect the environment and the public health’.***

# PROPOSAL TO ESTABLISH A CLOSED LANDFILL FUND

- ***CURRENT NEED:*** Allow MDNR to manage existing, known environmental problems at closed landfills **where no responsible owner/operator exists.**
- ***NEAR FUTURE NEED:*** Aide responsible owners/operators following the completion of their legal and financial obligations to maintain their closed landfills (**both public and private closed landfills**).
- ***The fund SHOULD BE available to responsible, public and private owners/operators of closed landfills.***

# PROPOSAL TO ESTABLISH A CLOSED LANDFILL FUND

- Starting up a Closure Landfill Fund:
  - Is not a panacea.
  - Will not be easy.
  - Will take time to work out the details.
- **But the process needs to begin NOW!**



# PROPOSAL TO ESTABLISH A CLOSED LANDFILL FUND

- Where **COULD** funding come from?
  - New taxes are unpopular idea in this political climate.
  - Expanding existing taxes is nearly as unpopular.
  - BUT!!!
  - The existing Solid Waste Tonnage Fee and Solid Waste Management Fund are possible vehicles!?

# PROPOSAL TO ESTABLISH A CLOSED LANDFILL FUND

- COULD FUTURE Solid Waste Management Funds be 'redirected' to begin funding a Closure Landfill Fund.
  - If other, regulated business sectors eventually provide funding to support the SWMP operations, ***COULD 'FREED UP MONEYS'*** be available?
  - If Solid Waste Districts identified maintenance of closed landfills in their counties to be a priority, ***COULD THEY DIRECT MONEYS*** for this use?
  - ***COULD*** active sanitary landfills agree to a ***SMALL INCREASE*** in the Solid Waste Tonnage Fee to use for closed landfills?
  - ***COULD*** 'the industry' agree to an ***INFLATION-BASED 'catch up adjustment'*** to the original \$2.00 per ton, using the 'extra' funds for closed landfills?

# PROPOSAL TO ESTABLISH A CLOSED LANDFILL FUND

- **How might a Closed Landfill Fund be administered?**
  - Oversight by an Advisory Committee (or other?) with members representing:
    - The Public;
    - The Solid Waste Industry;
      - Active; and
      - Retired.
    - The Legislature;
    - OTHER?

# PROPOSAL TO ESTABLISH A CLOSED LANDFILL FUND

DISCUSSION?

COMMENTS?

QUESTIONS?

Contact Tom Gredell @ 573-659-9078 or [tomg@ger-inc.biz](mailto:tomg@ger-inc.biz)

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# **MDNR DATA THAT CAN AIDE THIS DISCUSSION**

- 1. Have any 20-year post-closure care landfills requested final release?**
- 2. Has MDNR released any 20-year post-closure care landfills?**
- 3. How many Closed Landfills with Post-Closure Responsibility exist?**
  - How many have a 20-yr post-closure period?
  - How many have a 30-yr post-closure period?
- 4. How many Closed Landfills with a 'Single Landfill Owner' exist?**
  - How many have a 20-yr post-closure period?
  - How many have a 30-yr post-closure period?
  - How many have an “active” or “viable” owner/operator?
  - How many have an FAI?
- 5. What is the total amount of FAIs for Closed Landfills?**
- 6. In general, what happens to forfeited FAIs?**
- 7. What has happened to PAST forfeited FAIs?**